Abuse of process, conspiracy to pervert the course of iustice. trial continued [1998] 481 delay in making complaint [1998] inexplicable delay of 30 years [1998] 411 promise not to prosecute, prosecutor reneging on [1998] question of tainted police evidence [1998] 808 Access orders, fraudulent evasion of duty investigation of [1998] 732 Accessories, joint enterprise, and fatal blow by one participant [1998] 733 foreseeability test [1998] 48 Administration of justice, voluntary bills of indictment, and [1998] 616 Admissibility, video taped evidence, disabled eye witness [1998] 650 Animals, Dangerous Dogs Act, directions by judge [1998] 336 dog worrying livestock, reasonable necessity to shoot [1998] 194 protection of, lack of clarity in law [1998] 194 Appeal, against sentence in Scotland [1998] diminished responsibility, not raised at trial [1998] 274 fresh evidence, procedure [1998] 652 guilty plea, no power to substitute conviction [1998] 128, 137 inconsistent verdicts, approach of Court [1998] 483 letter to Court from judge, undesirable and unnecessary [1998] 196

threats to kill,

guilty plea and challenge to

conviction [1998] 739

Applications for third party material, PII and [1998] 352 Appropriate adult, more than one present [1998] 653 Article with blade or sharp point, public place, in [1998] 562, 564 folding blade [1998] 562 screwdriver [1998] 564 whether "for use at work", "good reason" for having [1998] Arson, recklessness and endangerment of life [1998] 562 Assault, gbh with intent, judge's directions [1998] 485 occasioning actual bodily harm, stalking over a period [1998] 810 Attempt, burglary with intent to rape inchoate offence as undivided whole [1998] 876 Mechanics of Bail (Amendment) Act

prosecutor, and [1998] 728

Bias,
public interest immunity,
magistrate: refusal to disqualify
[1998] 276

risk of,
juror recognised defendant [1998]
742

Cheating the public revenue, future of the offence [1998] 627 Committal, drawing of adverse, silence from [1998] 189 no submission of insufficiency, invalidity curable by relisting [1998] 877 prosecution relying on one statement no abuse of process [1998] 743 Complicity, Powell and manslaughter [1998] 556 Computers, director of SFO, contempt, and [1998] 54 "downloading" [1998] 54

Computers-cont. injunctions. need to name individual [1998] unauthorised access [1998] 53 Confiscation order, failure to comply, question of adjournment by magistrates [1998] 812 Conspiracy, criminal damage offences, duplicity, and [1998] 334 Corruption, Law Commission report [1998] 299, 547 proscribing, Law Commission's Report [1998] 547 Courts, Crown Court, jurisdiction of [1998] 218 Courts-martial, close arrest for military defendants, future of [1998] 646 Findlay, and [1998] 109 Crime and Disorder Bill [1998] 81 Crime (Sentences) Act 1997, a criticism [1998] 83 sentencing psychopaths [1998] 93 Criminal cases, ethical issues in conduct of [1998] Criminal code, lack of progress on [1998] 694 Criminal Evidence Bill, res gestae exceptions, hearsay, to [1998] 301 Criminal records, agency for, certificates [1998] 235 Police Act, under [1998] 235 Crown Prosecution Service, advisers in police stations, effects of [1998] 521 Custody, time limits,

prosecution must act with due expedition [1998] 746 Customs and Excise, conversation before caution, whether conflict [1998] 814 proving evasion on imported goods, relevance of quantities [1998] 655

extension of [1998] 744

DNA, database, civil liberties, and [1998] 437 DNA-cont. database-cont. evidential problems, and [1998] new direction on? [1998] 478 Dangerous dogs. See Animals. Dangerous drugs, abuse of process, loss of evidence [1998] 278 confiscation order, mistake of law or fact [1998] 413 Defence, ethical issues for [1998] 16 submission of no case [1998] 802 Deportation, applicants wanted by U.K. police, no extradition application [1998] Disclosure, public interest immunity, availability of material [1998] 58 informer, and [1998] 58 Drugs. See also Dangerous drugs. cash and lifestyle evidence, question of possession [1998] 567 controlled, multiple occupancy premises, and [1998] 404 importation, defence of innocent association [1998] 200, 569 joint possession, supply including distribution [1998] 566 law or fact or both, use of public money-no public interest [1998] 566 Misuse of Drugs Act, "occupier" of premises [1998]

possession of dangerous, analyst's statement [1998] 56 Duplicity counts of obtaining property by deception [1998] 131 Duress,

circumstances, of, defence of [1998] 202 driving offences [1998] 280 defence of, call for codification of [1998] 202

public open place, public telephone kiosk not [1998] 657 European Community, criminal law, influence of E.C. rules [1998] 361

Environment,

European Community—cont. protection of financial interests [1998] 259, 323

European Convention on Human Rights, see Human rights

Evidence,

accomplices, acquittal of principal [1998] 61 admissibility,

advice given by solicitor [1998]

computer document [1998] 750 not put to witness [1998] 284 video taped interview of witness [1998] 663

appeal, prejudice must be demonstrated

[1998] 284 assault,

safety of conviction [1998] 492 child's video recording,

not withdrawn before jury retired [1998] 416

confession,

correct PACE approach [1998]

credibility of complainant [1998]

Criminal Evidence Act, s.1(f)(ii), effect of [1998] 665

CJA 1988, s.24 no breach of Art. 6 ECHR [1998]

001

cross-examination, by co-accused as to character [1998] 63

credit, as to [1998] 65

cross-examination of D, contents of co-D's interview, on [1998] 570

cross-examination without notice, tape of abusive phone messages [1998] 660

DNA database, civil liberty, and [1998] 437

dangerous drugs,

intent to supply [1998] 207 disclosure,

Crown's duty at common law [1998] 60

discussion between trial judge and counsel, directions to jury, on [1998] 886

drug trafficking, assisting in retention of benefits of [1998] 205

dying declarations, overlap with res gestae [1998] 883

categories of res gestae [1998] 337

Evidence—cont.

hearsay-cont.

D's proof of evidence [1998] 494 human rights, and [1998] 490 sufficiency of test [1998] 490 U.S. view on rule of [1998] 697 identification,

based on hearsay [1998] 820 failure to hold parade [1998] 881 voice-directions [1998] 281 importation of Class B drug,

sufficiency of evidence [1998] 487 inferences from silence in interview, no evidence from D at trial [1998] 817

interviews or unsolicited comments, PACE Code, and [1998]

no comment interview, no evidence at trial [1998] 420, 817

opened to jury [1998] 418 question of misdirection by judge [1998] 818

reluctant witness, cross-examination of [1998] 213

res gestae exceptions, Criminal Evidence Bill [1998] 301 sexual offence against child,

admissibility of victim's demeanour [1998] 748

similar fact, admissibility [1998] 662 identification cases—rule for

[1998] 668 street identification, whether mandatory to hold parade

[1998] 879 summing-up, D's failure to give evidence [1998]

video tape,

commentary and statement inconsistent [1998] 682 risk of over-persuasion [1998] 159 witness statements, and [1998] 64 witness absent through fear,

proper direction [1998] 572 witness retracting statement, leave to treat as hostile [1998] 488

law of refugee status and [1998] 774

False accounting,

housing benefit application form, accounting purpose, for [1998] 216

multiple insurance policies, claims in respect of same loss [1998] 497

False accounting-cont. multiple insurance policies-cont. test for substitution of other offence [1998] 497

Firearms,

intent to prevent or resist arrest, directions to jury [1998] 821 no licence for gun silencer, whether accessory [1998] 673 Food and drugs,

safety of oysters.

"immediate" consumption requirement [1998] 133

Forgery,

false document by fax prejudice to recipient [1998] 339

Fraud,

criminal law protection of E.C. budget [1998] 259, 323 substitution of section 20(2) offences, whether appropriate [1998] 498

Hearsay. See Evidence.

Homicide, intent,

direction to jury [1998] 890 killing by knifing,

intent [1998] 675 lies told by D,

proper direction [1998] 822 provocation, joint enterprise and [1998] 676

Human rights. Bill [1998] 1

E.C. criminal law and [1998] 361 criminal lawyer, and [1998] 4

ECHR cases [1998] 691 right of fair trial [1998] 751 right to life-exception [1998] 823

right to respect for private life [1998] 753

inhuman and degrading treatment, reasonable chastisement, or [1998] 892

lawful arrest and detention, freedom of expression, and [1998] 893

peaceful protesters, Capon v. DPP, and [1998] 870 U.K. military justice, and [1998]

Identification, failure to hold parade [1998] 67, 68 admissibility of [1998] 825

weaknesses in, reminder to jury [1998] 828

Inconsistent verdicts.

judge's incorrect direction, safety of conviction [1998] 503

Indecent assault, proper direction to jury [1998] 575

Indictment, joinder of counts [1998] 576 voluntary bills of,

administration of justice, and [1998] 616

Joint enterprise,

accessories, and, foreseeability test [1998] 48

Jury. alibi evidence,

Lucas direction and [1998] 681 communication with judge,

counsel not consulted [1998] 505 complex information,

competence in processing [1998]

simulation of the Maxwell trial [1998] 763

defendant absent,

position of co-accused [1998] 679 direction to,

adequacy of [1998] 565 discharge of juror,

proper approach of judge [1998] 134

fresh evidence, discharge of jury and appeal

[1998] 135 protection of.

discretion of judge [1998] 342 reference by number [1998] 285 selection in the United States [1998] 270

separation after retirement, adequacy of directions [1998] 343 transcript of video interview,

request after retirement [1998] 69 whether ambiguous verdict [1998] 418

"Larceny by a trick", "constructive possession", and [1998] 175 Law Commission,

corruption report [1998] 299, 547

Magistrates, jurisdiction of, summary offences committed outside area [1998] 219 offence triable either way, decision for summary trial [1998] 344

Magistrates—cont.

rules for advance information, improvement of [1998] 798

Manslaughter,

complicity and *Powell* [1998] 556 gross negligence,

death of crew members of schooner [1998] 507 proper direction to jury [1998]

833

omission, by, requirement for pre-existing duty

[1998] 830 Military justice,

ECHR judgment in Findlay [1998]

post-trial bail for civilians, military courts, in [1998] 123 Misuse of trade secrets.

Law Commission paper on [1998]

Murder,

provocation,

mental impairment and [1998]

Nuisance,

noise.

validity of abatement notice [1998] 578

Obscene publications,

contemporary application of law [1998] 843

indecent photos of children, evidence of age [1998] 70

Obtaining by deception, guilty plea,

power to substitute conviction [1998] 137

Offensive weapon,

article with blade in public place, whether self-defence "good reason" [1998] 347 butterfly knife [1998] 72 good reason for possession,

good reason for possession, telescopic extendible baton [1998] 345

Offences against the person, Home Office consultation paper [1998] 317 reform of 1861 Act [1998] 233

Police,

1997 Act,

criminal records under [1998] 235 prosecutor advisers, and [1998] 521 suspects' rights, and [1998] 145 Procedure,

offences after appointed day, Criminal Procedure and Investigations Act 1996 [1998] 510

voire dire,

judge's ruling after [1998] 421 Property,

theft, and [1998] 35

Prosecution,

ethical issues for [1998] 16

Prosecutor, appeal by,

against justices' exercise of discretion [1998] 287

relations with police, pre-charge advice in police stations [1998] 521

Psychic assault,

proposal for statutory provision [1998] 392

Psychopaths,

sentencing of [1998] 93

Public interest immunity,

magistrate's refusal to disqualify

himself [1998] 277

Public order, amendment Act 1996,

change to section 5 [1998] 864

covert filming, insulting behaviour [1998] 289

peaceful protesters, Capon v. DPP and CJPOA [1998]

witness intimidation [1998] 220

Rape,

consent,

evidence of [1998] 834 cross-examination in trial, regulation of [1998] 605

unwilling witness,

appropriateness of judge's questioning [1998] 579

Refugee law,

extradition, and [1998] 774

Res gestae,

essential link in events, telephone call [1998] 581

Road traffic,

dangerous driving, alternative of careless driving

[1998] 348

vehicle being towed [1998] 349 failure to provide blood,

fear of needles medical reason [1998] 900

passenger injured on bus,

driver failed to stop [1998] 754

Scotland, Crown appeals against sentence in [1998] 854 Search warrants, investigation of advance fee fraud. scope of warrants [1998] 290 Sentence, appeal to Crown Court, findings of fact, and [1998] 908 assistance to prosecution after conviction, principles for reduction [1998] buggery of under 16, whether consensual [1998] 75 causing death by dangerous driving [1998] 296 committal for [1998] 595 committal for contempt. consecutive to sentence of imprisonment [1998] 295 community service order, desert-based framework for [1998] 381 gravity of offence, and [1998] 381 medical inability to fulfil [1998] revocation following breach of [1998] 353 company director, disqualification from acting as [1998] 298 confiscation order, amount to be realised [1998] 591 consecutive sentences, Crown and County Court [1998] 356 "short term" or "long term" [1998] 77 Crime (Sentences) Act 1997 [1998] 83, 93 Crown appeals against, Scotland, in [1998] 854 custodial, statutory criteria [1998] 836

292 entrapment,

912

evading excise duty [1998] 593 firearms offences [1998] 428 importation of drugs [1998] 227, 587 theft by employees, revised [1998] 229 importation of drugs, amphetamines—guidelines [1998] cannabis-guidelines [1998] 227 imprisonment, of, general approach [1998] 515 indecent assault, custodial sentence [1998] 228 maximum length [1998] 141 length of, insurance fraud [1998] 297 specified period [1998] 512 orders against parent or guardian, definition of [1998] 594 plea before venue, bail and discount [1998] 433 committal before sentence [1998] 684 psychopaths, 'hospital and limitation direction" [1998] 93 public opinion on, place of [1998] 465 life imprisonment, and [1998] 911 newspaper reports on [1998] 455 detention of juveniles public education, and [1998] 455 guidelines [1998] 220 return to custody detention under Children and Young magistrates' power to commit Persons Act, [1998] 429 minimum length [1998] 588 driving without due care. subsequent offence, and [1998] 909 fatal accident [1998] 143 drug trafficking, serious violence money laundering offences [1998] three incapacitation policies [1998] 710 specimen counts, mitigating sentence, and [1998] representing other offences [1998] 137 evading excise duty theft by employees, guidelines [1998] 593 revised guidelines [1998] 227 © SWEET & MAXWELL

Sentence-cont.

guidelines,

factual basis for,

firearms offences,

procedure [1998] 425

guidelines [1998] 428

[1998] 297

treatment by other prisoners

detention of juveniles [1998] 220

ground for reduction,

indecent assault [1998] 139, 140

Sentence—cont.

threatening to kill,

"violent offence" [1998] 73

Serious violence,

dilemmas of sentencing,

incapacitation policies, and [1998]

Solicitor,

witness as [1998] 44

Strict liability,

Larsonneur reassessed [1998] 791

Tagging,

increase in [1998] 299

Theft,

appropriation,

question of consent [1998] 904

dishonest appropriation,

insurance brokers, by [1998] 350

origins of,

"constructive possession" [1998] 175

"larceny by a trick" [1998] 175 stealing tickets [1998] 723

title to property, and [1998] 35

Trade secrets, misuse of,

Law Commission consultation paper [1998] 246

Trial.

acquittal of public order offences, no committal on incitement charges [1998] 422

adverse comment by judge jury absent [1998] 584

curing bias in,

R. v. Gough [1998] 148

disclosure,

abuse of process and [1998] 835

Trial-cont.

fairness of.

cross-examination by judge [1998] 352

intervention by judge,

cross-examining D [1998] 584

joint enterprise,

inconsistency of conviction [1998] 906

joint indictment,

separate trials not required [1998] 756

judge issued deadline for jury verdict,

whether undue pressure [1998] 351

magistrates' refusal to commit, judicial review [1998] 422

mode of [1998] 692

no comment interview, jury and adverse inference [1998] 418, 420

rape, for

cross-examination in [1998] 605 summing-up,

new basis introduced by judge [1998] 582

whether conviction unsafe [1998] 902

United States,

jury selection in [1998] 270

Victims of crime,

needs of,

Magistrates' and Crown Courts, in [1998] 521

role in criminal justice [1998] 601 vulnerable or intimidated [1998] 602

Video tape evidence. See Evidence.

Witness

evidence of truthfulness [1998] 585 solicitor as [1998] 44



